

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

COSCO CONTAINER LINES
AMERICAS, INC.,

Plaintiff,

V.

THE HARTFORD et al.,

Defendants.

Civil Action No. 10-437 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before this Court on the motion for leave to file an interlocutory appeal by Defendant MMZ Associates, Inc. (“MMZ.”) For the reasons set forth below, the motion will be denied.

MMZ seeks leave to file an interlocutory appeal of this Court's Order of June 11, 2010, denying MMZ's motion to dismiss the Complaint. MMZ brings this motion pursuant to 28 U.S.C. § 1292(b), which states:

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.

MMZ has not met its burden of showing that all three conditions are met here. MMZ has not persuaded this Court that the Order of June 11, 2010 involves a controlling issue of law, nor that immediate appeal will materially advance the termination of the litigation. The motion will be

denied.

For these reasons,

IT IS on this 18th day of August, 2010,

ORDERED that MMZ's motion for leave to file an interlocutory appeal (Docket Entry No. 39) is **DENIED**.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge.